

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

GODFREY DRAKE

PLAINTIFF

V.

CIVIL ACTION NO. 3:03-cv-284HTW-JCS

ANTHONY J. PRINCIPI, SECRETARY  
DEPARTMENT OF VETERANS AFFAIRS

DEFENDANT

**ORDER**

Before the court is the motion of the plaintiff to be permitted to file a notice of appeal out of time. The plaintiff contends that he did not receive a copy of this court's final judgment and only found out about it just over two weeks after it was entered. The Clerk of the Court acknowledges that the plaintiff called to ask for a copy of the final judgment on October 19, 2006. Moreover, the Clerk acknowledges that an error may have been made in the first mailing of the final judgment to the plaintiff. The final judgment was mailed on October 19, 2006, and the plaintiff responded by filing a motion to be permitted to appeal this court's final judgment [**Docket No. 90**].

The plaintiff is proceeding *pro se* and apparently believed that appeal required this court's permission. The court interprets the plaintiff's motion using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972). Therefore, this court, being advised in the premises, hereby

construes the plaintiff's motion as his notice of appeal and directs him to proceed accordingly.

**SO ORDERED** this the 30<sup>th</sup> day of September, 2007.

**s/ HENRY T. WINGATE**

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**CHIEF UNITED STATES DISTRICT JUDGE**

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Order